

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 20, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 7, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 775

Introduced by Assembly Member Yee

February 18, 2005

An act to amend Sections 92020 and 92032 of the Education Code, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

AB 775, as amended, Yee. Regents of the University of California: discussion of executive compensation.

Existing law *establishes the Regents of the University of California, and provides for the administration of the university by that body. Under existing law, the membership of the regents includes 18 members appointed by the Governor and 7 ex officio members, who are the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president and vice president of the alumni association of the university, and the acting president of the university. Existing law generally authorizes the Regents of the University of California regents, as defined to mean the board of regents and its standing and special committees or subcommittees, other than groups of 3 or fewer regents appointed to advise and assist the university administration in contract negotiations, to conduct closed sessions when they meet to consider or discuss*

specified matters, including matters concerning the appointment, employment, performance, compensation, or dismissal of certain university officers or employees. Existing law requires action by the regents on compensation proposals for the principal officers of the regents and the officers of the university, as defined, to be in open session.

This bill would provide that the definition of the regents for these purposes would include advisory groups that include one or more regents, *other than elected ex officio members of the regents*, as members and that have continuing subject matter jurisdiction or have a regular meeting schedule, except as specified. The bill would also require discussion of, and action on, an executive compensation proposal concerning the President of the University of California, the chancellor of an individual campus, specified vice presidents, the treasurer, the assistant treasurer, the general counsel, or the secretary to occur in an open session of the appropriate committee of the regents, and would require any final discussion or action on that proposal to take place in an open session of the full board of regents.

The bill would express findings and declarations of the Legislature to the effect that this bill sets forth the policies with respect to the discussion of compensation of executive officers of the university that have applied to, and governed, all regents meetings held since 1993.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 92020 of the Education Code is
2 amended to read:
3 92020. (a) As used in this article, “Regents of the University
4 of California” means any of the following:
5 (1) The Board of Regents of the University of California .
6 (2) The standing and special committees or subcommittees of
7 the Board of Regents.
8 (3) Advisory groups that include one or more regents, *other*
9 *than elected ex officio members of the regents*, as members and
10 that have continuing subject matter jurisdiction or have a regular
11 meeting schedule.
12 (b) As used in this article, “Regents of the University of
13 California” does not include groups of three or fewer regents

1 appointed to advise and assist the university administration in
2 contract negotiations.

3 SEC. 2. Section 92032 of the Education Code is amended to
4 read:

5 92032. Notwithstanding Article 9 (commencing with Section
6 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
7 Government Code:

8 (a) The Regents of the University of California, as occasioned
9 by necessity, may hold special meetings. The regents shall give
10 public notice for these meetings. This notice shall be given by
11 means of a notice hand delivered or mailed to each newspaper of
12 general circulation and television or radio station that has
13 requested notice in writing, so that the notice may be published
14 or broadcast at least 72 hours before the time of the meeting. The
15 notice shall specify the time, place, and agenda of the special
16 meeting. The regents shall not consider any business not included
17 in the agenda portion of the notice. Failure to comply with this
18 subdivision shall not be excused by the fact that no action was
19 taken at the special meeting.

20 (b) The Regents of the University of California may conduct
21 closed sessions when they meet to consider or discuss any of the
22 following matters:

23 (1) Matters affecting the national security.

24 (2) The conferring of honorary degrees or other honors or
25 commemorations.

26 (3) Matters involving gifts, devises, and bequests.

27 (4) Matters involving the purchase or sale of investments for
28 endowment and pension funds.

29 (5) Matters involving litigation, when discussion in open
30 session concerning those matters would adversely affect, or be
31 detrimental to, the public interest.

32 (6) The acquisition or disposition of property, if discussion of
33 these matters in open session could adversely affect the regents'
34 ability to acquire or dispose of the property on the terms and
35 conditions they deem to be in the best public interest.

36 ~~(A)~~

37 (7) (A) Matters concerning the appointment, employment,
38 performance, compensation, or dismissal of university officers or
39 employees, excluding individual regents other than the president
40 of the university.

1 (B) Discussion of, and action on, an executive compensation
2 proposal concerning any of the following shall occur in an open
3 session of the appropriate committee of the regents, and any final
4 discussion of, or action on, that proposal shall occur in an open
5 session of the full board of regents:

- 6 (i) The President of the University of California.
- 7 (ii) The chancellor of an individual campus.
- 8 (iii) A vice president of academic affairs, administration,
9 agriculture, budget, business affairs, health, or human resources.
- 10 (iv) The treasurer or the assistant treasurer.
- 11 (v) The general counsel.
- 12 (vi) The regents' secretary.

13 (C) Compensation for the principal officers of the regents and
14 the officers of the university shall include salary, benefits,
15 perquisites, severance payments (except those made in
16 connection with a dismissal or a litigation settlement), retirement
17 benefits, or any other form of compensation.

18 (8) Matters relating to complaints or charges brought against
19 university officers or employees, excluding individual regents
20 other than the president of the university, unless the officer or
21 employee requests a public hearing.

22 (c) While a witness is being examined during any open or
23 closed session, any or all other witnesses in the investigation may
24 be excluded from the proceedings by the regents.

25 (d) Committees of the regents may conduct closed sessions on
26 Medi-Cal contract negotiations.

27 (e) The nominating committee of the regents may conduct
28 closed sessions held for the purpose of proposing officers of the
29 board and members of the board's various committees.

30 (f) Committees of the regents may conduct closed sessions
31 held for the purpose of proposing a student regent.

32 (g) The regents shall not be required to give public notice of
33 meetings of special search or selection committees held for the
34 purpose of conducting interviews for university officer positions.

35 SEC. 3. (a) The Legislature finds and declares all of the
36 following:

37 (1) On February 22, 2006, the Chairperson of the Regents of
38 the University of California testified before the Senate
39 Committee on Education.

1 (2) At the February 22, 2006, hearing referenced in paragraph
2 (1), the chairperson of the regents testified that “all discussions of
3 and actions on executive compensation programs occur in open
4 session of the appropriate committee [of the regents], with final
5 action occurring in open session of the full board.”

6 (3) At the February 22, 2006, hearing referenced in paragraph
7 (1), the chairperson of the regents further testified that the regents
8 had adhered to the policy set forth in paragraph (2) since 1993.

9 (b) It is the intent of the Legislature, in enacting the
10 amendment to Section 92032 of the Education Code made by
11 Section 2 of this act, to clarify existing law by conforming
12 Section 92032 of the Education Code to the practices of the
13 regents with respect to the discussion of compensation of
14 university executives at meetings of the regents, as expressed by
15 the chairperson of the regents at the February 22, 2006, hearing,
16 and as set forth in paragraph (2) of subdivision (a).

17 (c) Therefore, the Legislature finds and declares that
18 paragraph (7) of subdivision (b) of Section 92032 of the
19 Education Code, as amended by Section 2 of this act, sets forth
20 the policies with respect to the discussion of compensation of
21 executive officers of the university that have applied to, and
22 governed, all regents meetings held since 1993.